

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ALTON KING,

Plaintiff,

V.

VALLEY STATE PRISON, et al.,

Defendants.

No. 1:20-CV-00024-ADA-GSA (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT FOR FAILURE TO EXHAUST
REMEDIES**

(ECF Nos. 22, 32)

Plaintiff Alton King (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 11, 2022, findings and recommendations were issued, recommending that Defendants' motion for summary judgment for failure to exhaust be granted. (ECF No. 32.) The parties were granted fourteen days in which to file objections. (*Id.*) On September 2, 2022, Plaintiff filed a motion for extension of time to file objections, and on September 7, 2022, the Court granted Plaintiff an extension of time until November 28, 2022. (ECF Nos. 34, 35.) The November 28, 2022 deadline expired and Plaintiff failed to file objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

1 Accordingly,

- 2 1. The Findings and Recommendations issued by the Magistrate Judge on August 11, 2022,
3 (ECF No. 32), are ADOPTED IN FULL;
4 2. Defendants' motion for summary judgment for failure to exhaust, filed on January 14, 2022,
5 (ECF No. 22), is GRANTED;
6 3. This action is DISMISSED without prejudice, for failure to exhaust administrative remedies
7 before filing suit; and
8 4. The Clerk of the Court is directed to CLOSE this case.

9
10 IT IS SO ORDERED.

11 Dated: January 13, 2023



UNITED STATES DISTRICT JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28